REMARKS

A.   Introduction

Claims 1, 3-5, 7, 8, 10, 11 and 13-15 were pending and under consideration in the application.

In the Final Office Action of January 28, 2008, claim 15 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1, 3-5, 8, 10, 11, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Nonaka, U.S. publication no. 2002/0035492 A1 (hereinafter, "*Nonaka*").

Claims 4, 7 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nonaka*, in view of Kitaya, U.S. publication no. 2002/015020 A1 (hereinafter, "*Kitaya*").

In response, Applicant seeks to amend claim 15 to obviate the 35 U.S.C. §101 rejection.

Applicant submits that the Examiner should enter the offered amendment, because the amendment addresses a matter of form set forth in the Final Office Action, and places the case in condition for allowance. 37 CFR §1.116; MPEP 714.12, 714.13.

B.   Rejections under 35 U.S.C. 102(b)

Claims 1, 3-5, 8, 10, 11, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by *Nonaka*.

Independent claims, 1, 5, 8, 11, 14 and 15, as previously presented, each recite disabling a process of playing back content of an information storage medium (ISM) when an associated ID of the ISM is identical to a revoked ISM ID listed in a memory of an information processing apparatus. Independent claims, 1, 5, 8, 11, 14 and 15, as previously presented, further recite updating the memory of the apparatus, by replacing a second list of information ISM IDs stored

in the memory with a first list stored on the ISM, where the updating is enabled to only operate when the first list is untampered and of a later version than the second list.

Nonaka fails to disclose at least the above features of the present invention. *Nonaka* pertains generally to data distribution techniques wherein data is distributed while suitably clearing rights, controlling copying and distributing profits. *Nonaka*, ¶0002. In accordance with *Nonaka*, a "revocation list" is a list of "unsuitable apparatuses". *Nonaka*, ¶0138. An unsuitable apparatus is, for example, "one for which some sort of illegitimate action has been performed". *Nonaka*, ¶0230. *Nonaka* provides for the comparison of a first revocation list stored on a storage medium with a second list stored on an apparatus, and updates the *list stored on the medium* when certain conditions are met. *Nonaka* ¶0228.

Nonaka fails to teach or suggest checking whether an ISM ID is identical to a revoked ISM ID listed in a memory of an apparatus. Moreover, *Nonaka teaches away* from the present invention because *Nonaka* discloses updating a list of revoked apparatus IDs stored on a medium with a list stored on an apparatus.

A finding that a claim is anticipated requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Here, the Office Action fails to establish a *prima facie* case of anticipation because *Nonaka* fails to disclose at least the feature of the claims discussed above.

Accordingly, the independent claims, claims, 1, 5, 8, 11, 14 and 15 and their respective dependent claims, 3, 4, and 10 are patentable over *Nonaka*.

C.   Rejections under 35 U.S.C. 103(a)

Claims 4, 7 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nonaka*, in view of *Kitaya*.

Kitaya is cited for teaching that an enabling key block is encryption key information that can be decrypted based on a device node key provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium. Whether or not this is true, *Kitaya* fails to cure the deficiencies noted above.

Accordingly, claims, 4, 7 and 13 are patentable over the combination of *Nonaka* and *Kitaya*.

D. Conclusion

In view of the foregoing, it is submitted that claims 1, 3-5, 7, 8, 10, 11 and 13-15 are allowable and that the application is in condition for allowance. Early notice to that effect is respectfully requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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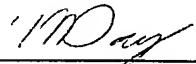
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